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10/727,154	12/02/2003	Kenneth A. Vlazny	3127-6066US	5283
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TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER RADA, ALEX P	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 08/12/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

DETAILED ACTION

Response to Amendment

In response to the amendment filed May 22, 2008 wherein applicant submits amendments to the specification, abstract, amends claims 26, 29-31, 36-38 and claims 26-39 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. (US 6,554,709) in view of Design Choice.

Regarding claim 26, Brenner discloses a method of conducting a pari-mutuel gaming activity the method comprising providing at least one patron an opportunity to place at least one first wager on a race; and response to the at least one patron placing the at least one first wager, providing the at least one patron with an opportunity to place at least one second wager on the race. Fig. 3 of Brenner discloses allowing a player to place a wager by selecting a wager amount, type, and a runner in steps 214,230 and 244. A player may then place an additional bet on the same race, as shown in step 258, wherein they again select a wager amount, type, and runner for said second wager. Figs. 16 and 17 show a displaying at lest one indicia of a wager selected by the at least one patron.

Regarding claim 27, Fig. 3 of Brenner discloses the at least one second wager includes at least one runner of the at least one first wager in the Duplicate a Wager option of step **260**.

Regarding claim 28, the at least one second wager is not related to the at least one first wager if the player chooses the option More Bets Other Race in step **258**.

Regarding claim 29, Brenner discloses providing the at least one patron an opportunity to select at least another runner, wherein the at least another runner makes up a portion of the at least one second wager (Figs. 3 and 8-17, Select Runner step **244**, wherein placing a wager comprises the selection of multiple components including a wager amount, wager type, and a runner).

Regarding claim 30, presenting the at least one patron with the second opportunity to place the at least one second wager comprises generating a pool of wager options including the at least one first runner and at least one second runner, and displaying the pool of wager options to the at least one patron. That is, Fig. 3 shows that a player may choose Select Runner when placing a second wager in step **230**. Further, Fig. 15 discloses displaying the pool of wager options including the first runner and at least one second runner, wherein the player may select horses 1-9.

Regarding claim 31, Brenner discloses marking an area of the displayed pool of wager options representing the at least one first runner (Fig. 15, shaded area representing selected Horse #2).

Regarding claim 32, Brenner discloses displaying tote data in conjunction with at least one of the at least one first wager and the at least one second wager (Fig. 15, Odds column displayed in left-hand side of the screen showing the current odds associated with each runner). Further, Figs. 4 and 18-19 disclose displaying tote data, i.e. pool totals and probable payoffs.

Regarding claim 33, Brenner discloses a system for conducting a pari-mutuel gaming activity, the system comprising a display element for displaying information associated with a gaming activity,

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an input device for interacting with at least one patron, a computer configured with software enabled to conduct the gaming activity wherein a patron is provided with an opportunity to place at least one first wager on a race displayed on the display element, the at least one patron is presented with an opportunity to place at least one second wager on the race with the input device (User Terminal, Figs. 2-17).

Regarding claim 34, Brenner discloses the at least one second wager includes at least one runner of the at least one first wager (Fig. 3, Duplicate a Wager option in step 260).

Regarding claim 35, Brenner discloses the at least one second wager is not related to the at least one first wager (Fig. 3, More Bets Other Race option in step 258).

Brenner is silent in regards to placing at least one first wager and then placing a second wager. However, Brenner does disclose placing at least one or more bets for at least one or more races and then submitting all of the bets as one wager. At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to at least one first wager and then placing a second wager because Applicant has not disclosed that placing at least one first wager and then placing a second wager provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with placing a wager as disclosed by Brenner because they both provide the same outcome of providing a patron to place a bet/wager on a race.

Response to Arguments

3. Applicant's arguments filed 22 May 2008 have been fully considered but they are not persuasive.

Applicant contends that Brenner does not disclose placing at least one first wager and then placing a second wager.

The examiner respectfully disagrees. The words Bet and Wager are interchangeable within the art. Brenner discloses a patron placing a first bet/wager on at least one horse race and then the patron has the opportunity to place another bet/wager on the same race or on a different race. Once the bets/wagers are finished the Patron submits the bet/wagers. Before a Patron can place a second bet/wager, a first bet/wager has to be placed. Brenner discloses placing one or more bets/wagers on horse racing and the results of the one or more bets/wagers are displayed of the Patron's display screen. The only difference between the claimed invention and the cited prior art is the method upon which a bet/wager is placed. As noted above, it would have been an obvious design choice to a person of ordinary skill in the art to place at least one first wager and then placing a second wager because Applicant has not disclosed that placing at least one first wager and then placing a second wager provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with placing a wager as disclosed by Brenner because they both provide the same outcome of providing a patron the ability to place at least one or more bets/wagers on a race. Giving a claim its broadest reasonable interpretation, Brenner discloses a patron placing at least one first wager on a race, providing the opportunity to place at least a second wager on the race.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3714